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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

**UNITED STATES OF AMERICA and the
STATE OF NEVADA, ex rel CHERYLE
KERR,**

Plaintiff,

vs.

**APS HEALTHCARE, INC.,
INNOVATIVE RESOURCE GROUP,
LLC D/B/A/ APS HEALTHCARE
MIDWEST, and APS HEALTHCARE
BETHESDA, INC.,**

Defendants.

Case No. 2:11-cv-01454-MMD-GWF

JOINT MOTION TO STAY DISCOVERY PENDING SETTLEMENT DISCUSSIONS

Plaintiff/Relator, Cheryle Kerr, and Defendants APS Healthcare, Inc., Innovative Resource Group, LLC d/b/a Healthcare Midwest, and APS Healthcare Bethesda, Inc. (“Defendants”) (collectively, “the parties”), by and through their undersigned counsel, hereby respectfully move to stay discovery for 30 days while the parties engage in settlement discussions. As shown below, good cause exists for a temporary stay of discovery in this instance because it would prevent unnecessary expenses and further the interests of judicial economy.

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I. BACKGROUND

Pursuant to this Court's Scheduling Order (Docket No. 58), the current deadline to disclose liability experts is November 22, 2013; the current deadline to complete liability discovery is January 23, 2014; the current deadline to file motions for summary judgment is February 24, 2014; and the current deadline to complete damages discovery is 60 days after the Court's ruling on the applicable motions for summary judgment. Discovery is ongoing as of the date of this motion, with nearly ten depositions scheduled to be completed before the end of 2013 in various locations across the United States.

The parties have recently reopened discussions to settle this matter. To avoid unnecessary costs to both parties that would result from completion of expert reports and depositions while the parties are actively engaged in settlement negotiations, and to further the interests of judicial economy, the parties agree to stay discovery for 30 days pending settlement discussions. If the parties are unable to reach a settlement agreement at the end of the 30 day period, the parties propose to submit to the Court a revised scheduling order setting forth new discovery deadlines.

II. ARGUMENT

It is well-established that "[a] district court has wide discretion in controlling discovery." *ArrivalStar S.A. and Melvino Techs. Ltd. v. Blue Sky Network, LLC, et al.*, No. cv-11-4479-SBA, 2012 U.S. Dist. LEXIS 22316, at *3 (N.D. Cal. Feb. 22, 2012) (citing *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988)). The court "may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense," including "specifying terms, including time and place, for the disclosure or discovery." Fed. R. Civ. P. 26(c)(1). The avoidance of needless discovery, which would be "a waste of time, effort, and resources for counsel and the litigants, and might in fact chill an appropriate resolution of this matter," constitutes good cause to justify a stay of discovery pending settlement discussions. *ArrivalStar S.A.*, 2012 U.S. Dist. LEXIS at *4 (internal citations omitted) (staying discovery pending the parties' completion of mediation). Temporarily staying discovery

1 in this instance “will conserve the resources of the parties and will not impose an inequity
2 on any party.” *Id.*

3 This consent motion is made in good faith and not for the purpose of delay.

4 **III. CONCLUSION**

5 For the foregoing reasons, the parties respectfully request the Court to exercise its
6 discretion and enter an order staying discovery for 30 days pending ongoing settlement
7 discussions between the parties. At the conclusion of the 30 day period, if the parties
8 have not reached a settlement agreement, the parties will submit for the Court’s approval
9 a revised scheduling order.

10 RESPECTFULLY SUBMITTED this 15th day of November, 2013.

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IT IS SO ORDERED.


United States Magistrate Judge

Dated: November 18, 2013